

Application Number 	Application No. 09/960,204	Applicant(s) VAISNYS ET AL.

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Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gintaras A. Vaisnys, et al.

Serial No. 09/960,204

Filed: September 21, 2001

For: MEDICAL DEVICE BATTERY
PACK WITH ACTIVE STATUS
INDICATION

Examiner: Raymond Alejandro

Group Art Unit: 1745

Client ID/Matter No. DEFIB-62663

July 12, 2004

Los Angeles, California 90045

TERMINAL DISCLAIMER TO OBTAIN DOUBLE PATENTING REJECTIONUNDER 37 C.F.R. 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, DEFIBTECH LLC, a New Jersey corporation having a place of business at 630 W. Stratford Place, Suite 2W, Chicago, IL 60657, is the assignee and owner of 100 percent interest in the instant application, 09/960,204, filed September 21, 2001, for MEDICAL DEVICE BATTERY PACK WITH ACTIVE STATUS INDICATION, as recorded at Reel 013895, Frame 0429 in connection with Serial No. 09/960,204. The assignment document has been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Serial No. 09/960,204, is in petitioner.

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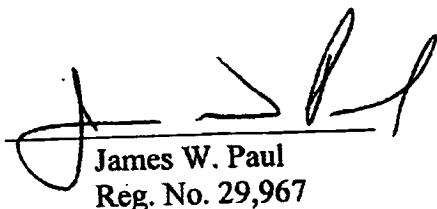
Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,557,102, which is also owned by petitioner, and copending application no. 10/453,312, which is also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent and any patent granted on application no. 10/453,312 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent or application no. 10/453,312, as presently shortened by any terminal disclaimer, in the event that either of them later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 12, 2004
Date



James W. Paul
Reg. No. 29,967

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